Manitoba

Annual Report
1999 - 2000

Justice

Criminal Justice Division

Includes 10% post-consumer waste

MINISTER OF JUSTICE
ATTORNEY GENERAL

Room 104
Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

The Honourable Peter Liba
Lieutenant Governor of Manitoba
Room 235, Legislative Building
Winnipeg MB R3C 0V8

MAY IT PLEASE YOUR HONOUR

I have the privilege of presenting the Victim Services Annual Report for the year ending March 31, 2000. This report details the accomplishments and activities of Manitoba Victim Services and the Compensation for Victims of Crime Program for the 1999-2000 fiscal year.

Respectfully Submitted,

Gord Mackintosh
Minister of Justice
Attorney General

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101-00991/

Manitoba

Deputy Minister of Justice
and Deputy Attorney General

Room 110
Legislative Building
Winnipeg MB R3C 0V8

SEP 2 7 2000

Honourable Gord Mackintosh
Minister of Justice
Room 104, Legislative Building
Winnipeg MB R3C 0V8

Dear Minister:

I have the honour of submitting the Victim Services Annual Report for the year ending March 31, 2000. In accordance with Section 13(1) of *The Victims' Rights and Consequential Amendments Act*, this report details information collected in relation to the Victim Complaint Process. It further articulates the progress of Manitoba Victim Services and the Compensation for Victims of Crime Program for the 1999-2000 fiscal year.

Respectfully Submitted,

Bruce A. MacFarlane, Q.C.
Deputy Minister of Justice and
Deputy Attorney General

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Rationale and Governing Legislation

Recognizing Victims' Needs

On January 4, 1999, the Manitoba Legislature proclaimed *The Victims' Rights Act* (C.C.S.M. c.V55). The *Act* was passed to address the growing demands from victims for information about the investigation and prosecution of the criminal cases affecting them. The *Act* allows for a greater degree of victim participation in the criminal justice system.

First, the *Act* introduces victims' rights. In Manitoba, victims have the right to expect:

- to be treated with courtesy, compassion and respect;
- to have their views or concerns brought to the attention of the court;
- to have ready access to information about their rights under *The Victims' Rights Act;*
- to be informed about the status of the police investigation and prosecution of the matter affecting him or her;
- to be given information from Manitoba Corrections as to the offender's name, the offence for which the offender was convicted and any relevant dates (e.g. release date);
- to be given the opportunity to request a meeting with the offender; and
- to have measures taken to protect them and their families from intimidation and retaliation.

Second, *The Victims' Rights Act* provides for a victim complaint process. Under the *Act*, victims who believe that they have been wrongfully treated by any part of the criminal justice system may make a complaint to the director of Victims' Support Services. After the complaint is filed, the victim is provided with a report on the outcome of the investigation and may comment on it. If the victim is not satisfied with the report, the Provincial Ombudsman may be requested to review it. This legislated process is unique to Manitoba.

Manitoba Victim Services

Victim Services in Manitoba was established in 1984 to provide victims with a means of support and a greater degree of participation in the criminal justice system. The goal of victim service programs is to reduce the negative effects of crime on the people of Manitoba. Victim services are delivered as part of the Public Safety Branch of Manitoba Justice.

Vision

To have a justice system that is responsive to and facilitates the needs of victims of crime.

Purpose

Victim Services has the primary responsibility of assisting and supporting victims involved in the criminal justice system in Manitoba.

Victims have needs directly related to their involvement in the criminal justice system. They may require:

- information on the justice system and assistance as they proceed through the criminal justice process;
- information and referrals to help victims cope with the effects of the harms they have suffered; and
- compensation for expenses incurred as a direct result of the crime against them.

Goal

To increase the understanding about the needs of victims of crime and ensure basic support services are available throughout Manitoba to meet those needs.

Our Priority Clients

Victims of reported crime, those who come to the attention of the justice system, are the first priority of Victim Services. Initiatives for victims of unreported crime and at-risk individuals are also considered important and are supported by the program to the extent that resources are available.

Year In Review

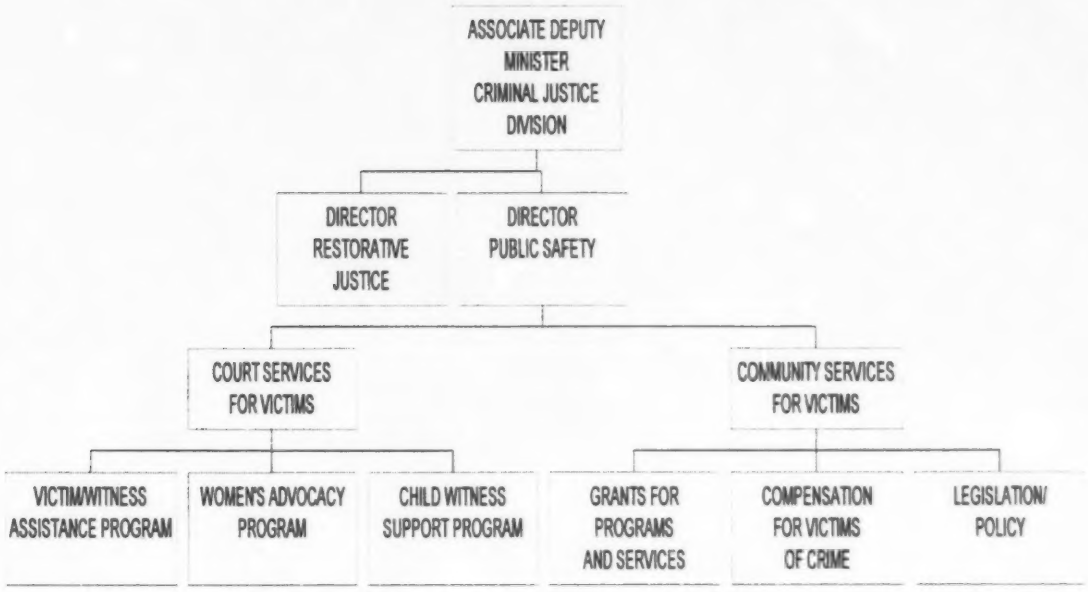
The 1999/2000 year has been a busy one for Victim Services. In 1999, the Department expanded its services to victims in Brandon by providing the salary for an Older Victim Services worker with a $30,000 grant from the Victims' Assistance Fund. Building on other services offered by the police, this program assists older victims in crisis, informs the victim about the progress of their case and provides referrals to other community resources. A key component of the Program is community education on personal safety, home security and avoiding fraud and financial abuse.

Funding was also provided to create a Victim Services Unit within the Dakota Ojibway Police Service (DOPS). DOPS received $26,000 to develop a victim services program for Aboriginal people. The specialized service is to be offered to the communities of Sioux Valley First Nation, Birdtail First Nation, Roseau River First Nation and Canupawakpa First Nation, which are currently being policed by DOPS. Services planned include crisis intervention, keeping victims informed as cases proceed through the criminal justice system, and assistance and support through the court process.

The Department further expanded its commitment to rural Manitobans by providing funding to the RCMP to implement a Victim Services Unit within the Gimli Detachment. Funding for RCMP-based victim services has been increased from $225,000 to $352,500 for the coming year.

The Department also expanded its Women's Advocacy and Child Witness Programs into Selkirk and Dauphin. Similarly, the Victims' First Cellular Program expanded to include the Steinbach region.

Organizational Chart



Court Services for Victims

Court Services for Victims are administered through the Women's Advocacy Program, the Child Witness Support Program and the Victim/Witness Assistance Program. The staff are committed to providing timely support, information and advocacy for victims of crime by augmenting victims' and witnesses' understanding of the criminal justice system. Staff also liaise with victims, the Crown attorney's office and other members of the justice system. Primarily for women, children and teens, staff provide court orientation, court accompaniment, case information, case referral and advocacy.

Victim/Witness Assistance Program

The Victim/Witness Assistance Program has been providing information and support to victims/witnesses since 1982. A victim, as a witness of crime, plays an important part of the court process and generally plays a significant role in the prosecution of the case. The program provides information and support to those victims of crime and witnesses to crime, who are subpoenaed as Crown witnesses in Provincial Court and Court of Queen's Bench, in Winnipeg. Witnesses are often encountering the justice system for the first time and may feel lost and confused in an unfamiliar court process. Services are provided through a reception centre in the Provincial Court Building at 408 York Avenue. The Victim/Witness Assistance Program is staffed by a coordinator, two witness workers and trained volunteers who are familiar with the criminal justice system. Last year the program had 11 volunteers helping victims and witnesses.

The Victim/Witness staff:

- provide information on and orientation to the criminal justice process;
- serve as a liaison between victims, witnesses and justice personnel;
- provide information on the rights and obligations of a victim or a witness;
- explain court proceedings and the judicial process to victims;
- provide notification of any court cancellations;
- assist in the coordination of travel arrangements;
- provide reimbursement of expenses; and
- provide referrals to other appropriate victim service providers.

In 1999, staff handled 3,297 service contacts with victims and witnesses who required court information and support. These services included 141 court orientations and 76 court accompaniments, 560 victim/witness expense claims, and 208 victim restitution requests. Staff were also required to contact victims and witnesses regarding 6,761 court cancellations. As public awareness about the Program increases, more victims are accessing the variety of services being offered.

The Victim/Witness Program also provides information and collects all victim impact statements that are presented in Winnipeg Courts. The total number of victim impact statements received by the Victim/Witness office in 1999/2000 was 368.

Women's Advocacy Program

The Women's Advocacy Program (WAP) was established in 1986. It was one of the first programs of its kind in North America. It is a free service that helps women who are victims of domestic violence where criminal charges have been or may be laid against their partner. The primary goal of WAP is to advise female victims of domestic violence of their rights and responsibilities and to offer them support while the charge proceeds through court. Counsellors assist victims so that they can make informed choices and potentially increase their level of safety. WAP provides legal and other information, emotional support, court accompaniment and short term counselling to women.

Only women whose partners or ex-partners have been charged with domestic violence become clients of the Women's Advocacy Program. Unlike other victims of crime, these women have often been involved in and wish to remain in an ongoing relationship with the offender.

Women who access the Women's Advocacy Program often request safety planning and information about the resources available to them in the community. They ask questions about the criminal justice system, the court process and what to expect as their partner/ex-partner's case proceeds through court. Counsellors provide explanations and assist these women through the court process.

During the past year, 4,459 initial contact letters were issued to victims. In addition, administrative support staff fielded 5,628 intake calls. After a victim contacts or is contacted by program staff, she may wish to meet with a counsellor to discuss general information about the criminal court process and the criminal justice system, the status of the accused and/or any other specific information about the charges related to the offence. Counsellors will describe the cycle of violence to the victim and how her partner's cycle may affect her and her children. The victim will be assisted with preparing a workable protection plan and referred to additional services as needed. Information will also be provided on using protection orders to increase safety.

Counsellors will also advise the Crown attorney of the woman's concern relating to the criminal justice system. While counsellors can ensure that the Crown attorney is informed about the woman's concerns or wishes, it is important to know that the Program does not attempt to change the prosecution or the outcome of the case in court.

In Winnipeg, the Women's Advocacy Program has a first responder counsellor who attempts to contact victims as soon as possible after being notified by the police of a domestic incident. The first responder takes a proactive approach by phoning the women who have been victims of domestic violence and offering them a resource that they might not otherwise have accessed on their own. The Winnipeg Police Service notifies the Women's Advocacy Program within 24 hours of all domestic violence incidents where charges have been or will be laid. The notification form identifies both the accused and the victim and tells counsellors how to contact the victim. On receipt of the notification, the first responder phones the victim or sends a letter with the name and telephone number of a counsellor and an invitation to call. Last year the first responder made 3,344 calls to victims.

The Women's Advocacy Program in Winnipeg currently employs seven counsellors and two administrative staff. Prior to the Lavoie inquiry, there were three counsellors and one administrative assistant. Since the Lavoie Inquiry Report was published in 1997, the program has expanded its service in Brandon, The Pas and Thompson by increasing existing staff to full time positions from four day a week positions. As well, the program now offers service four days a week in Selkirk. Last year evening appointments were offered in Winnipeg one night per week. Additional evening office hours will be offered where demand warrants. The Winnipeg office has been offering appointments one afternoon a week in Nor'West Community Health Clinic in an attempt to provide service to clients in their own community. There are plans to expand this service in the coming year.

The Brandon counsellor also provides a monthly service to women in Waywayseecappo and the counsellor in The Pas offers service in Pukatawagan and Moose Lake approximately 3 days a month.

The Women's Advocacy Program in Winnipeg has two bilingual workers who assist the Francophone and Spanish communities.

WAP also provides information and cell phones to women who qualify for the Victims' First Cell Program. In 1999/2000 WAP provided cell phones to ten women.

Child Witness Support Program

The Child Witness Support Program was established in 1984. It focuses on the needs of child victims of sexual and physical abuse who are between the ages of 4 and 18 and who are required to testify in court. The program provides the support and assistance of social workers to prepare child victims and their families for their participation in the criminal court proceedings. Program staff explain the criminal court process and help to reduce the trauma experienced by child abuse victims who have to testify in court.

Victims are often seen several times by a social worker and may be seen more often depending on individual circumstances. During these meetings, social workers prepare the child for their testimony by visiting an empty courtroom to help familiarize the child with the surroundings. They educate the child and parents or guardians about the justice system and courtroom procedures. They include information about *Criminal Code* provisions that allow for the use of screening devices, videotapes and closed-circuit television to make the court experience more sensitive to the needs of young victims. They may also assist with scheduling meetings with the Crown attorney, as well as providing emotional support to the child through court accompaniment.

The social worker acts as a liaison between victims, the police, the Crown attorney and the court to keep the victims informed of the status of their case. Social workers advise child victims of the court process by using age appropriate language and aids to assist in their understanding. Aids include activity books, court kits, puppets, books, and a model courtroom.

The Child Witness Support Program has offices in 6 Manitoba locations: Winnipeg, Brandon, The Pas, Dauphin, Selkirk and Thompson. The program has been expanded in Winnipeg to include services for adult victims of child abuse. In Winnipeg, a coordinator, a counsellor and an administrative assistant staff the Child Witness Support Program. In rural areas, an individual staff member fulfils the functions of the Women's Advocacy Program in addition to the Child Witness Support Program. The positions in Dauphin and Selkirk are new this year.

Referrals are received through various sources including Prosecutions, the RCMP and the Department of Family Services and Housing. After receipt of the referral, contact is made with the child victim's parent or guardian regarding availability of services. In the 1999/2000 fiscal year, 390 referrals were made to the program in Winnipeg. During the same period, rural Manitoba offices had 161 referrals. There were 201 files opened and 122 files closed in Winnipeg and 131 files opened and 85 files closed in rural Manitoba.

Referrals to the Child Witness Support Program by Location

Location	Intake	Files Opened	Files Closed
Winnipeg	390	201	122
Brandon	35	27	22
Dauphin	18	13	3
Selkirk	19	15	7
The Pas	62	61	46
Thompson	27	15	7

Community Based Victim Services

Community Based Victim Services has a twofold mandate, which is to provide:
i) crisis intervention and support; and
ii) financial compensation to victims of crime.

Crisis intervention and support is primarily delivered via police-based victim service programs run by the Royal Canadian Mounted Police (RCMP), the Dakota Ojibway Police Service (DOPS), and municipal police services in Brandon, East St. Paul, Winkler and Winnipeg. Additional service is provided to older victims of crime through Age and Opportunity in Winnipeg and Older Victim Services in Brandon.

Funding for victim compensation is generated from general revenues collected by the Department of Justice and administered through the Compensation for Victims of Crime Program.

Police-affiliated Victim Services

Police-affiliated Victim Services assist victims who have been referred to the program by police, prosecutors, community-based specialized victim services projects and social service agencies. They ensure that victims have access to information about the crime that has affected them and provide the support needed to deal with the impact of victimization. They provide services to the victim by phone, mail or in person. Referrals to community resources and services help meet victims' needs.

Municipal Police Victim Services

Municipal Police Victim Services are staffed by municipal police forces and salaried by the municipalities. These units rely heavily on volunteer support. Police-based victim service units are located in Brandon, which has full time position; Winnipeg, which has three full time positions; and Winkler and East St. Paul, which have part-time positions filled by constables. In 2000, the Department of Justice funded an additional part-time position in Brandon for an Older Persons Victim Service Program. Police-based victim services also supports an Age and Opportunity, Older Victim Services Program in Winnipeg, that has one full time staff member. The salary cost for the for the Age and Opportunity staff person is split among the Winnipeg Foundation, the City of Winnipeg and the Department of Justice.

Aboriginal Police Victim Services

The Dakota Ojibway Police Service (DOPS) currently polices four reserve communities, Roseau River, Sioux Valley, Oaklake and Birdtail Sioux. In March of 1999, the need for a victim services program in reserve communities was addressed. DOPS was given an initial grant of $26,000 by the Province to propose and implement this program. While victim service programs are available across Manitoba, there are currently no programs being run within reserves. This is complicated by the fact that most reserves are geographically isolated and that victims do not have the financial resources to travel and access other victim service programs. By adopting an approach based on other victim service programs as well as community input, DOPS feels that it will be able to effectively reach and support victims of crime in ways that other programs have not been able to. DOPS plans to implement its program by hiring a provincial coordinator and hiring a part time staff member in each community. DOPS will be given $26,000 annually from the Victims' Assistance Fund to maintain this program.

RCMP Victim Services

In 1992, the RCMP initiated a police-based rural Manitoba Victim Services Program. It began as a two-year pilot project funded by the provincial government. Victim Services Units (VSUs) were

established in seven communities: Selkirk, Portage La Prairie, Virden, The Pas, Thompson, Flin Flon, and Dauphin. These original seven units continue to operate. At the end of the 1999-2000 fiscal year, there were nine staffed units and three volunteer units in operation. The VSUs provide emotional support and practical assistance in completing victim impact statements and forms for other programs such as the Compensation for Victims of Crime program. Victim service workers and volunteers also provide victims with information and case updates, information about the criminal justice system, court accompaniment and support and referrals to other agencies.

All VSUs rely on a full or part-time coordinator funded through the Department of Justice, Victims' Assistance Fund and a complement of volunteers.

An increase in funding allowed for the creation of a program manager position that was filled in late June 1999. This position operates out of the 'D' Division Headquarters Building and is responsible for the operation of the various regional programs.

All units participated in several community awareness and information initiatives. These activities included memberships in several community organizations and participating in displays, information booths, and speaking engagements. Ongoing training and development were undertaken by coordinators and volunteers in all units to maintain and ever improve the quality of service available to victims in the province.

Last year, with the help of seven staff and 41 volunteers, RCMP-affiliated Victim Service Programs provided services to 2, 215 victims and made 6,771 victim contacts. They provided 927 referrals, 208 home security checks, 362 court preparations and 94 home visits. In all, volunteers generously donated 4,873 hours of their time.

Community Resources

Victim Offender Mediation Programs

Victim Offender Mediation is offered in Winnipeg by Mediation Services. It is a community-based program funded in part by the Mennonite Central Committee and the Department of Justice. Mediation Services was first introduced in Winnipeg in 1979 by the Mennonite Central Committee to handle three basic types of cases: diversion, post plea and community disputes.

In diversion cases, the accused is charged with a criminal code offence. If the case meets the screening criteria and the accused and the complainant agree to participate in mediation, the court proceedings are delayed. If an agreement is reached and complied with, and the Crown attorney's office agrees, a stay of proceedings is entered.

In post-plea cases, a guilty plea is entered and the case is remanded to give the complainant and respondent the opportunity to participate in mediation.

Community disputes involve a disagreement or dispute between two or more individuals, but not criminal charges. The program gives victims the chance to meet face to face with their offender in an effort to resolve the issue. The program has been so successful that two other cities, Brandon (Westman Mediation Services) and Thompson (Thompson Mediation Inc.) have implemented their own programs in the past three years.

The objectives of the program are:

- to provide a safe place for victims to take back control of their lives;
- to provide a way for victims to be directly involved in resolving the issues that impacted them as a result of the crime committed against them;
- to help people deal with conflict in a way that can lead to reconciliation, forgiveness and healing, especially in cases where there is an ongoing relationship;
- to respond to crime in a way that interprets the incident as involving persons with feelings, concerns and needs;
- to hold accused persons accountable for their behaviour; and
- to allow accused persons to take responsibility for their actions in ways that are constructive, that allow them to feel like responsible members of society and that help to minimize the possibility of long-term penalties and a criminal record.

In Winnipeg, the program takes on approximately 750-800 cases annually. Of these cases, approximately one third progress to full mediation. The following is a table indicating the number of referrals over the past eight fiscal years.

Number of Referrals by the Status of the Offender at Winnipeg Mediation Services

Fiscal Year*	Youth	Adult	Total Referrals
1991/1992	175	704	879
1992/1993	253	699	952
1993/1994	274	626	900
1994/1995	302	438	740
1995/1996	287	509	796
1996/1997	306	437	743
1997/1998	272	512	784
1998/1999	269	488	757
1999/2000**	190***	545	735

*Mediation Services' fiscal year is September 1, 1999 to August 31, 2000.
**Please note that there are approximately 30 more cases awaiting intake which will fall under this fiscal year that are not

captured in these statistics.

***Some youth cases this fiscal were captured in the Aboriginal Youth Diversion program statistics. As such, they do not appear in this chart. This explains why it appears the number of youth cases referred has gone down.

In the 1999/2000 fiscal year, Westman Mediation Services received 82 referrals to their program and completed 30 successful mediations. Between January 1999 and June 7, 1999 Thompson Mediation Inc. had received 51 referrals of which 11 had been successfully mediated. As of September 3, 1999, 26 successful mediations had taken place.

Consultation Groups

Provincial Victim Assistance Committee (PVAC)

In May of 1996, the Department of Justice undertook an initiative to compile a government-wide inventory of victim service programs provided by various provincial departments. As a result of this inventory, a number of recommendations for improvements were made. In early 1997, the Provincial Victim Assistance Committee (PVAC) was assembled in order to aid with the implementation of the recommendations of this study. Currently, the committee coordinates and attempts to improve the quality of victim services in the Province of Manitoba. PVAC is comprised of victim service providers from the RCMP, Dakota Ojibway Police Service, Winnipeg Police Service, Brandon Police Service and Winkler Police Service. It also includes representatives from the Victim/Witness Assistance Program, Women's Advocacy Program, Child Witness Support Program, Compensation for Victims of Crime Program and Age and Opportunity.

Manitoba Organization for Victim Advocates (MOVA)

The Manitoba Organization for Victim Advocates (MOVA) is a non-governmental agency that was established in February 2000. The purpose of the committee is to provide a formal victim advocates' network in Manitoba. The organization's mandate is to discuss issues relating to victimization and recommend change. It acts as a consultation group and provides Manitoba Justice with co-ordinated and comprehensive guidance in relation to victims' issues, needs and services.

Manitoba needed an organization with a provincial membership that represented a wide spectrum of victims and victims' issues. MOVA, which consists of participants from other existing advocacy groups such as Victims' Voice, Citizens Against Violence and Victims of Violence, will benefit the Department in this respect by providing guidance in areas such as policy, programming and legislation.

Victims' Assistance Fund

The management of the Victims' Assistance Fund is provided for under sections 17-20 of *The Victims' Rights Act*.

Revenues for the Fund are derived from fine surcharges ordered by the court and paid for by offenders. Section 20 of the *Act* directs that these funds be used for promoting and administering services for victims and allows the Department to provide grants to agencies for conducting research or serving victims.

The following grants were made from the Fund during the 1999-2000 fiscal year:

Victim/Offender Mediation	
Mediation Services of Winnipeg	$166,762
Brandon Mediation Service	$ 10,000
Thompson Mediation Inc.	$ 4,600
Mediation Services Evaluation	$ 35,760
Police-Based Victim Services	
Brandon Police Service	$ 30,000
Dakota Ojibway Police Service	$ 26,000
Royal Canadian Mounted Police	$352,500
Training	
Victim Sensitivity	$ 5,379
Events	$ 29,480
New Services	$ 28,653
Research	$ 24,500
TOTAL GRANTS	$ 713,634

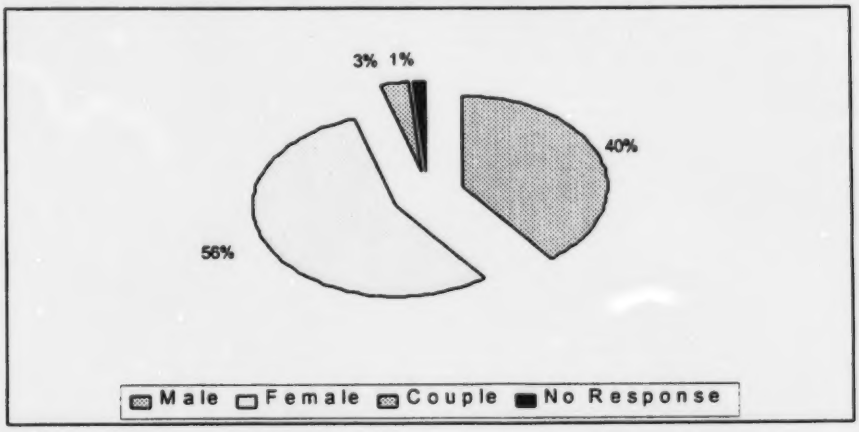
Government Resources

Victim Impact Statement Program

Since October of 1998, the Province of Manitoba has provided victims with the opportunity to participate in the Victim Impact Statement Program. The program provides victims with the opportunity to have input into offender sentencing by describing in writing to the courts how they have been physically, financially and emotionally affected by the crime. Victim impact statements, completed by victims in cases to be heard by Winnipeg and Winnipeg circuit courts, are submitted to the Victim/Witness Assistance office. Copies are then forwarded to the Crown. In other parts of the province victim impact statements are submitted directly to the Crown. The statements are retained on the Crown file until a charge is sworn, the Crown then forwards the statement to defense counsel and the clerk of the court.

Victim impact statements are being collected across the province, but they are only being tracked in Winnipeg and Winnipeg Circuit Courts. In the 1999/2000 fiscal year 368 statements were filed at the Victim/Witness Office. A breakdown of those cases is illustrated by the following charts:

Authors of Victim Impact Statements by Sex



Age of Authors of Victim Impact Statements

Age	Frequency	Percent
1-15	20	5.4%
16-30	88	23.9%
31-45	106	28.8%
46-60	55	14.9%
61-75	19	5.2%
76-90	5	1.4%
91-105	1	.3%
No Response	74	20.1%
TOTAL	368	100.0%

Type of Crime Listed in Victim Impact Statement

Type of Crime	Frequency	Percent
Crime Against the Person	204	56.5%
Crime Against Property	121	33.7%
Crime Against Person & Property	35	9.8%
No Response	8	2.2%
TOTAL	368	100.0%

Victim Rights and Complaints

The Complaint Process, as outlined in *The Victims' Rights Act*, allows victims an opportunity to bring a matter to the attention of the appropriate agency and have concerns addressed. Further, in attempting to resolve the complaint, the agency may introduce new procedures that can correct the problem for future clients.

Any victim who believes that he or she has been wrongfully treated by any part of the criminal justice system can make a complaint. The *Act* defines a victim as a person against whom a crime has been committed or is alleged to have been committed. If the victim is deceased, it includes members of the immediate family. If the victim is incapacitated, it includes a designated representative.

A formal complaint should be made only after an attempt to resolve the problem has been made with the senior manager in charge of the employee or the service responsible for the complaint. Victim service workers can assist victims in contacting the appropriate persons.

If the victim has attempted, unsuccessfully, to resolve the complaint through the appropriate supervisor or manager, he or she may complain to the director of Victims' Support Services.

The director will investigate the complaint and then take or recommend steps considered necessary to address the victim's concerns. The victim will then be given a report on the outcome of the investigation and will have the opportunity to comment on the report. If the victim is still dissatisfied, a review by the Provincial Ombudsman may be requested.

In addition, the director must submit an annual report to the Minister of Justice summarizing the nature of the complaints received during a fiscal year, how the complaints were addressed, and any comments received from victims regarding the complaint. The Minister will then submit this report to the Legislative Assembly.

As of March 31, 2000, five formal complaints had been filed under the Program.

Complaints Received

Nature of Complaint	Section of the Act Complaint Falls Under	Resolution
Prosecutions: Inadequate update on the Court cases	8(a) A victim is entitled, on request, to be informed about the status of the police investigation into the matter affecting him or her and any prosecution that results from that investigation, to the extent that the release of the information is within the law and does not prejudice the investigation or prosecution or any related investigation or prosecution.	Victim met with the Crown in a face to face meeting and had the issues of concern addressed.
Prosecutions: Inadequate update provided by police and Crown	8(a) A victim is entitled, on request, to be informed the status of the police investigation into the matter affecting him or her and any prosecution that results from that investigation, to the extent that the release of the information is within the law and does not prejudice the investigation or prosecution or any related investigation or prosecution.	Victim abandoned the complaint
Prosecutions: Victim not informed of court date	8(d) A victim is entitled, on request, to be informed about the dates and places of all significant proceedings that relate to the prosecution and their outcomes.	Ongoing
Court Administration: Travel Mileage	3(a) Victims are entitled to be treated with courtesy, compassion and respect for their dignity and privacy and to suffer the minimum of necessary inconvenience from their involvement with the criminal justice system.	Ongoing
Court Administration: Restitution Recovery	3(a) Victims are entitled to be treated with courtesy, compassion and respect for their dignity and privacy and to suffer the minimum of necessary inconvenience from their involvement with the criminal justice system.	Victim was given detailed information about the process of restitution recovery by Victim Services staff.

A number of calls are received throughout the year, are quickly resolved, and are not counted as formal complaints. The small number of complaints may indicate that people are not aware of their right to file a complaint under the *Act*. A more comprehensive public education campaign may need to take place with the proclamation of *The Victim's Bill of Rights* in the 2001/2002 fiscal year.

Victims' First Cellular Program

The Victims' First Cellular Program was established in 1997 as a joint initiative between MTS Mobility, social agencies, Police Services and Manitoba Justice. The purpose of the program is to enhance the short-term safety of high-risk domestic abuse and stalking victims by providing them with free cellular telephones that are pre-programmed to access emergency services immediately during times of extreme risk. The program operates in Winnipeg and in most rural communities with 911 service.

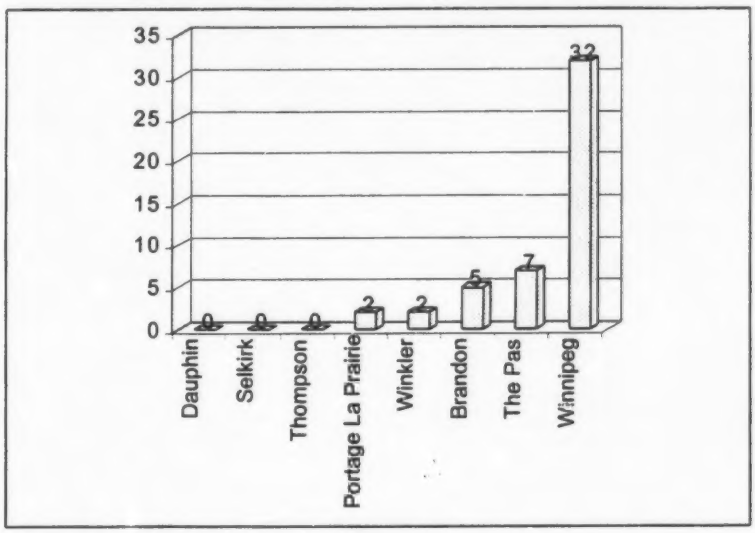
MTS Mobility supplies the pre-programmed cellular telephones at no charge. The social agencies meet with high-risk victims and assess their eligibility for the program. The telephones are intended for use only as a last resort in domestic violence, stalking or breach of restraining order cases. Eligibility criteria must be satisfied before a cellular telephone can be issued to a victim. If a client is eligible, the social agency will provide the telephone, train the victim to operate it, and complete and forward the necessary documentation to the appropriate parties.

The victim is then asked to report weekly to the social agency regarding the ongoing need for possession of the cell phone. Generally each case is reviewed after eight weeks to confirm ongoing eligibility. The agency must also recover the telephone from the victim once eligibility is terminated.

In 1999, the Victims' First Cellular Program provided cellular telephones to 50 victims. All victims were female.

In Winnipeg, the program is offered to male victims through the Victim Service Unit of the Winnipeg Police Service.

Number of Victims Served by Area of the Province



Compensation For Victims of Crime Program

During the 1998-99 fiscal year, Compensation for Victims of Crime was administered under the 1970 *Criminal Injuries Compensation Act* (CICA) until January 4, 1999, when that legislation was replaced by *The Victims' Rights Act*. Both *Acts* provide that injured victims of crime, or their dependants, are eligible for benefits similar to those for workers under *The Workers Compensation Act*. The intent of both *Acts* is to ensure that an innocent victim of crime or a person injured as a result of assisting a peace officer is not placed in a position of undue financial hardship.

In 1970, the administrative system already in place for Workers Compensation appeared to be the most appropriate way to process Criminal Injuries Compensation claims. In 1996, the Department of Justice reviewed victim service programs, including compensation. The review concluded that the cost of administering Criminal Injuries Compensation had increased dramatically and recommended that the program be streamlined and amalgamated into Manitoba Justice. The evaluators also recommended that CICA be rescinded and replaced with new victim legislation. These recommendations led to the proclamation of *The Victims' Rights Act* on January 4, 1999, making the payment of victim compensation the responsibility of Manitoba Justice. The new program under this legislation is called Compensation for Victims of Crime.

Funding for the program comes from the Consolidated Fund of Manitoba. In the past, nearly one-third of these costs had been recovered from the Victims' Assistance Fund.

The program, which is staffed by an adjudicator and two administrative support personnel, processes applications, on average, between two to three weeks.

Year In Review

Manitoba Justice assumed full responsibility for the Compensation for Victims of Crime Program (CVC) in May 1999. All CVC staff were recruited during the 1999-2000 fiscal year and had no previous experience in the field of compensation.

This fiscal year also saw the design and implementation of a client database and an accounting system. In the past, accounting services had been carried out by the Workers' Compensation Board and billed back to the Department. The CVC staff now performs these functions.

Despite the significant learning curve associated with this endeavour, the 1999/2000 fiscal year saw the highest number of claims processed in the past 5 fiscal years. The number of claims processed this fiscal year has increased by 14 per cent over 1998/99.

This is explained in part by a higher than normal carryover rate from the previous year. Further, due to a reduction in application processing time, fewer than usual claims were carried forward to the 2000/2001 fiscal year. There were approximately 140 unresolved claims at March 31/99 and only 12 as of March 31/00.

Program Information

The Compensation for Victims of Crime Program provides compensation for personal injury or death resulting from certain crimes occurring within Manitoba (see Appendix I). An application may also be made by a person who sustains an injury while helping a police officer or while trying to prevent a crime. In the event of the death of the victim, an immediate family member may make the application.

Under the program, the injured victim, or his/her designate must file a report with the police as soon as possible after the incident occurred and must co-operate with law enforcement agencies in apprehending and/or prosecuting the offender. However, the offender does not need to be caught for compensation to be awarded.

A person whose injuries or death occurred while participating in a criminal offence, or whose conduct directly or indirectly contributed to the victim's injury or death, is not eligible for compensation. The *Act* requires that a claim be filed within one year of the injury or death. Only in exceptional circumstances does the director decide to extend the time limit.

Eligible benefits can include:

- payment of medical expenses (prescription drug costs, ambulance bills);
- replacement of damaged clothing;
- dental treatment, replacement or repair of dentures;
- replacement or repair of prescription eyeglasses;
- counselling;
- compensation for lost wages if the victim is disabled or fatally injured;
- support payments for dependants;
- rehabilitation or retraining;
- compensation for permanent disability; or
- payment of funeral expenses.

Personal losses not covered by the program include:

- compensation for pain and suffering;
- any loss under $150;

- stolen items and/or money;
- loss or damages to property, including a victim's car or home;
- injuries received on the job when worker's compensation is payable;
- injuries arising from a motor vehicle accident;
- injuries sustained outside of Manitoba; or
- benefits that are payable through other insurance plans or programs.

There is no cost for a victim to file a claim. After a claim has been filed, staff gathers all necessary documentation to process the claim, including relevant medical, police and employer information. Once this material has been collected, an adjudicator reviews the claim and sends a written decision to the claimant. If the claimant disagrees with the decision, he or she may enter into an appeal process.

Appeal Process

The program has two separate appeal processes; one provided for in *The Criminal Injuries Compensation Act* and the second outlined in *The Victims' Rights Act*.
Under *The Criminal Injuries Act*, the first level of appeal is a formal reconsideration of the decision by the program. If the claimant is still dissatisfied, the mattered is referred to the Review Office for further consideration. The final step in the process is to file a formal appeal with the Appeal Board.

The Victims' Rights Act provides for only two levels of appeal; program reconsideration and then the filing of a formal appeal with the Appeal Board.

Both of these processes provide that claimants are informed of this procedure in writing. The decision of the Appeal Board is final except on issues of law or jurisdiction. These issues can be appealed to the Court of Queen's Bench.

Appeal statistics are illustrated in table VI.

Introduction to Statistical Section

Table I. This table documents the disposition of claims for the current and past fiscal years.

Table II. This table provides an overview of the number of approved claims according to the nature of the offence.

Table III. This table presents information on the number of claims adjudicated over an 11-year period.

Table IV. The purpose of this table is to provide a synopsis of the cost of benefits paid, over an 11-year period.

Table V. This table outlines the most frequent reasons for denying claims.

Table VI. This table presents information on the number of claims reviewed or appealed in the last fiscal year.

TABLE I: DISPOSITION OF CLAIMS
For the 1998-1999 and 1999-2000 fiscal years.

	2000	1999
New Applications	534	568
Applications Carried Over from Previous Year	138	80
Total Files	**672**	**648**
Files Held Over to Next Year	12	138
Total Applications Processed	**660**	**510**

	2000	1999
Approved	429	408
Denied	175	65
Not Pursued	56	37
Total	**660**	**510**

TABLE II: APPROVED CLAIMS

For the 1998-1999 and 1999-2000 fiscal years.

Schedule of Criminal Offences	2000	1999
Assault and assault with a weapon	273	244
Robbery	39	50
Aggravated assault	21	14
Sexual assault involving children	43	37
Sexual assault	27	29
Murder	15	26
Attempted murder	2	1
Arson	3	0
Causing Bodily Harm with intent	0	1
Unlawfully pointing a firearm	1	0
Criminal Harassment	1	2
Kidnapping	0	1
No description of incident provided	4	1
Subtotal	**429**	**406**
Assisting a Peace Officer/Good Samaritan	0	2
Total	**429**	**408**

TABLE III: NUMBER OF CLAIMS PROCESSED BY YEAR

Year Ended March 31	Approved	Denied
2000	429	175
1999	408	65
1998	430	102
1997	432	140
1996	434	108
1995	423	106
1994	419	128
1993	448	128
1992	414	111
1991	328	106
1990	272	79

TABLE IV: BENEFITS PAID BY YEAR

Year Ended March 31	Total
2000	$ 3,539,758
1999	$ 3,443,368
1998	$ 3,327,100
1997	$ 3,350,197
1996	$ 3,281,442
1995	$ 2,840,275
1994	$ 2,853,876
1993	$ 2,642,800
1992	$ 2,376,062
1991	$ 1,802,355
1990	$ 1,757,720

TABLE V: MOST FREQUENT REASONS FOR NON-ACCEPTANCE OF CLAIMS

	2000	1999
Did not apply within appropriate time limit	29	9
The claimant did not co-operate with the police	34	28
Claimant's behaviour directly or indirectly contributed to their injury	20	7
No evidence that a crime took place	61	20
Ineligible (Below Min. Claim Amount)	28	0
Claimant was committing a crime when he/she was injured	3	1
TOTAL	**175**	**65**

TABLE VI: APPEAL STATISTICS

These statistics cover the period April 1, 1999 to March 31, 2000

Files Reconsidered	**12**
Breakdown of Decisions	
Decision amended	1
Decisions confirmed	2
Decision rescinded	9
Files considered by the Appeal Commission	2
Breakdown of Decisions	
Review Office decision rescinded	0
Review Office decision amended	0
Review Office decision confirmed	2